

Applicant: William Zahavi.  
U.S.S.N.: 09/965,431  
Filing Date: September 27, 2001  
EMC Docket No.: EMC-01-160

**Amendments To The Drawings:**

The attached sheets of drawings include changes to FIGS. 11, 13, 16 and 20. These sheets, which include FIGS. 1-20, replace the original sheets including FIGS. 1-20.

Attachment: Replacement Sheets  
Annotated Sheets Showing Changes

### **REMARKS**

This amendment is in response to the Office Action mailed June 10, 2005. Claims 1-25 were pending. In the Office Action, Claims 1-6, 10-18, and 22-25 were rejected. New Claims 26-37 have been added. Claims 4 and 16 have been canceled. Claims 1-3, 5-15, and 17-37 are now pending. The claims, specification, and drawings have been amended to address the concerns raised by the Examiner. Applicant requests reconsideration and removal of the claim rejections.

Claims 1-6, 10-18, and 22-25 stand rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over co-pending Application No. 10/180,716. Accordingly, Applicant respectfully submits the enclosed terminal disclaimer to overcome the judicially created doctrine of obviousness type double patenting rejection. Removal of this rejection is now requested.

After the submission of the terminal disclaimer Claims 1, 2, 4, 10-14, 16 and 22-25 stand rejected, while Claims 5-9, and 17-21 are objected to, but contain allowable subject matter. Claims 1 and 13 have been amended to contain the limitations in Claims 4 and 16 respectively, and Claims 4 and 16 have been canceled. Claim 25 has been amended to contain language present in Claim 5 along with limitations of intervening claims. New Claims 26-37 including independent Claims 26 and 32 have been added and contain the language of Claims 1 and 13 along with the limitations from Claims 5 and 17 respectively, along with their corresponding dependencies. Claims 2, 9, 14, and 21 have been amended to fix the informalities pointed out by the Examiner.

### **Claim Rejections - 35 U.S.C. § 101**

Claim 25 has been amended to limit the invention to tangible embodiments per the Examiner's suggestion, although Applicant does not concede that "transmission medium, such as electrical wiring, cabling, fiber optics, or via any other form of transmission" described intangible mediums as asserted by the Examiner.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-2, 4, 10-14, 16, and 22-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Frazier (6,078,990), and Claims 1-3, 11-15, and 23-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Voight et. al. (5,623,598). As stated above, Claims 4 and 16 have been wrapped into their corresponding independent claims. The arguments of this section will be directed to these claims with the knowledge that when the amended independent claims are allowable, the claims depending therefrom are also allowable.

The Examiner asserts that Frazier's ability to select read and write caching options (Figs. 13 and 15) teaches receiving information related to performance characteristics which include read and write characteristics associated with data to be stored on the data storage system. Frazier's caching options merely provides, to the user, options for various cache optimization techniques. This portion of Frazier's invention can not be read to be receiving information related to performance characteristics which include read and write characteristics associated with data, rather it is creating an optimization choice without knowledge of any read and write characteristics associated with data to be stored on the data storage system.

In view of the foregoing, the Applicant believes that the application is in condition for allowance and respectfully request favorable reconsideration.


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In the event the Examiner deems personal contact desirable in the disposition of this case,  
the Examiner is invited to call the undersigned attorney at (508) 293-6985.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: Sept. 8, 2005

  
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11/16

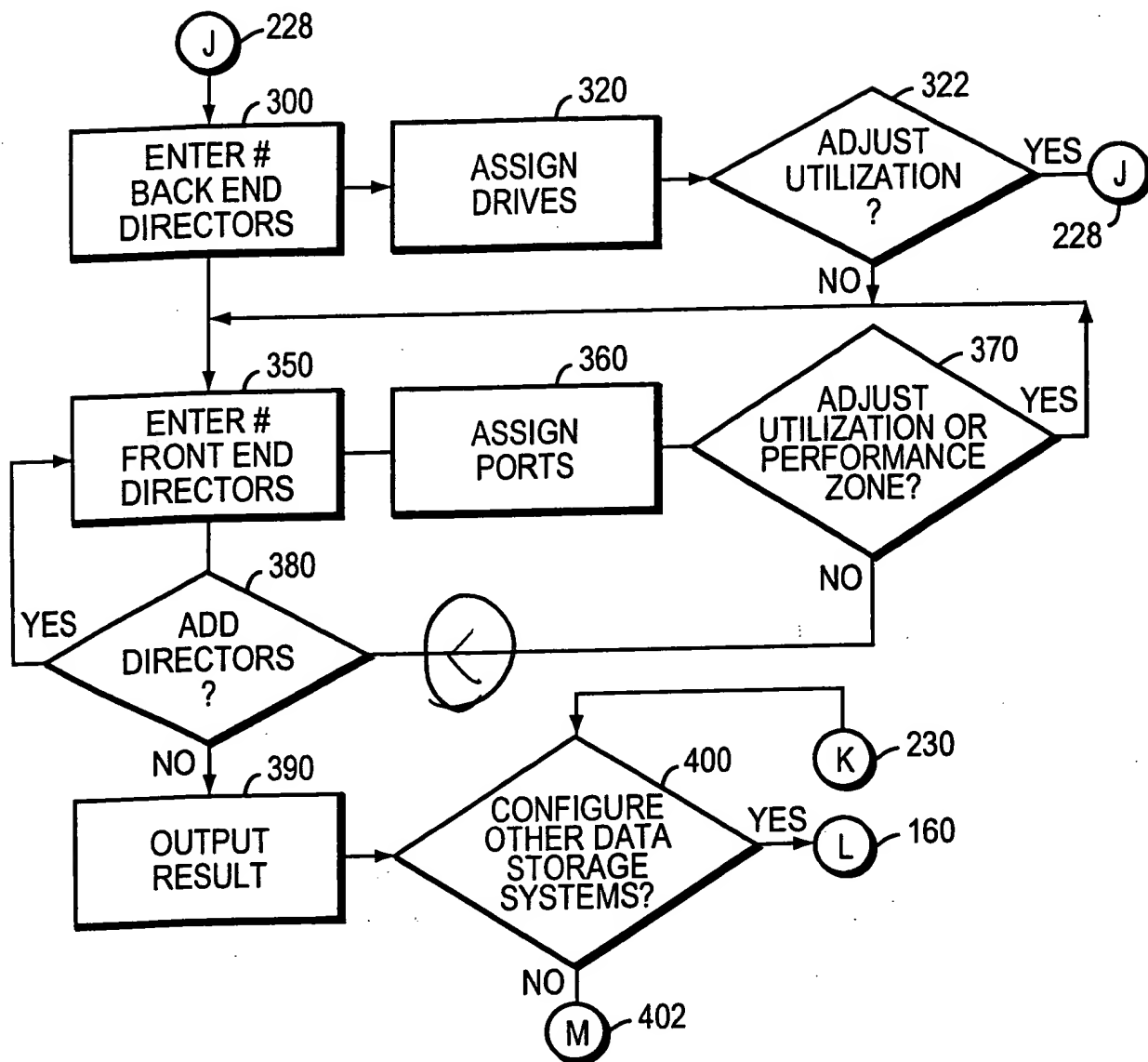


FIG. 11

**FIG. 13**

15/16

PERFORMANCE

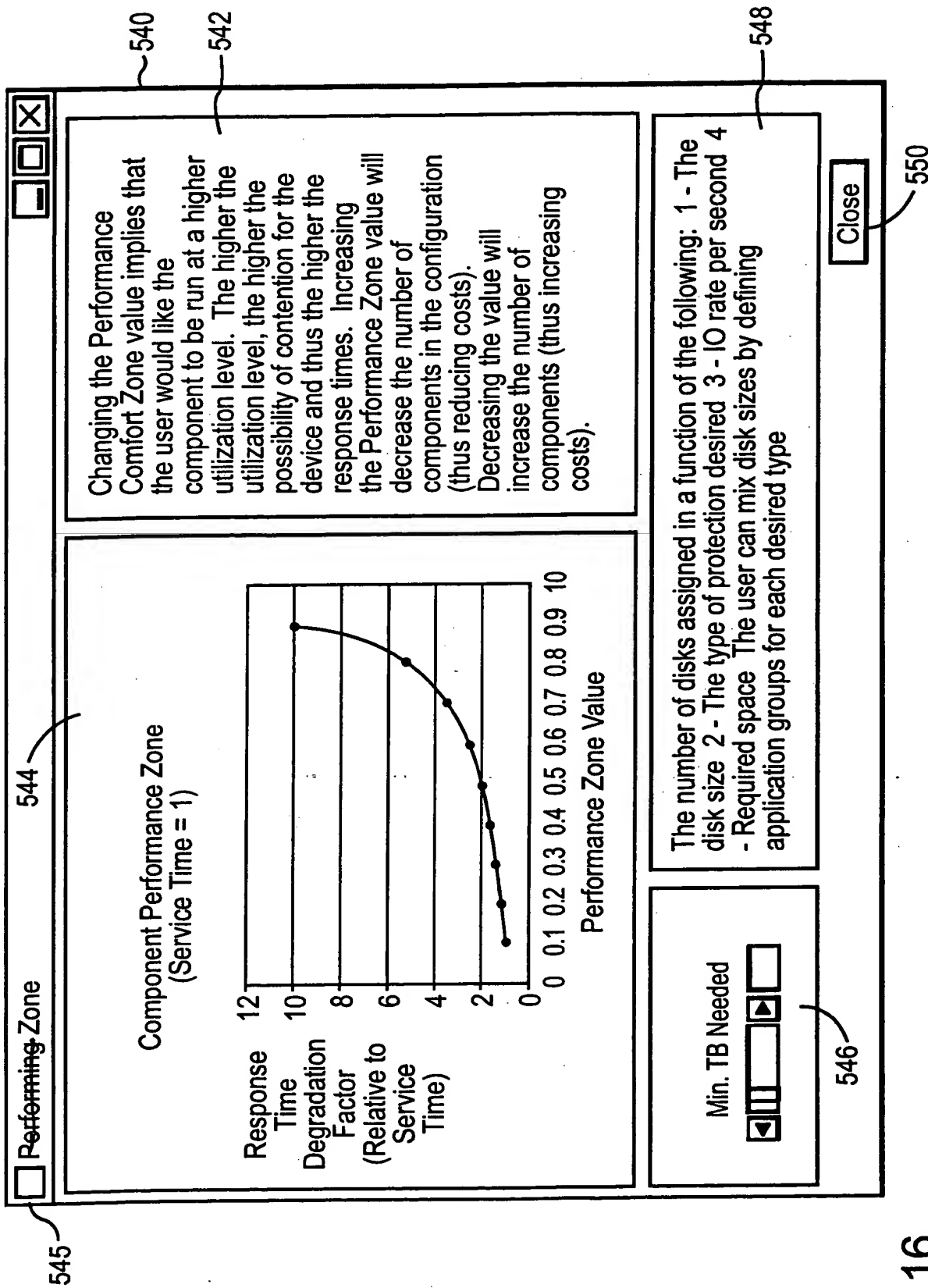


FIG. 16

16/16

Configuration Tool

File
Find
View
Help

Disks Counting
Connection
Storage Area Network

**Symmetrix Family**

☐ Xbxy ☐ X8yy ☐ X9yy  
☐ 81yy ☐ 84yy ☐ 87yy  
☐ 82yy ☐ 86yy ☐ 89yy

☐ SCSI  
☒ Fibre  
☐ ESCON

**Front-End Connections**

	IDs/sec	MB/sec
Front End	24850.4	344.3
Back End	25878	503.44
Remote		

**Symmetrix Components**

**Front End Directors**

# of units

Avg. Util

cpu's

Performance Zone

# of units

Avg. Util

Performance Zone

**Back End Directors**

# of units

Avg. Util

cpu's

ports

Number of disks per bus: 6

**System Bus**

# of units 2

**Disks**

18 GB
36 GB
50 GB
73 GB
181 GB

**Add Directors for more Connectivity**

Remote

SCSI

Fibre

ESCON

**Results**

Symmetrix Model 86yy

Number of Units 4

FIG. 20